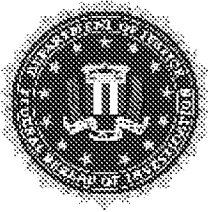


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RIDS PROTOCOL



Processing Appeals & Outgoing Correspondence

DATE: March 10, 2015

APPROVED BY:

ASC

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PROTOCOL: Processing Appeals & Outgoing Correspondence

Under the Freedom of Information Acts' (FOIA) administrative appeal provision, a requester has the right to administratively appeal any adverse determination the FBI makes on his or her FOIA request.

In order for the Records Information/Dissemination Section (RIDS) to honor this provision, all response letters denying records in full or in part must include the following statement:

"Should you disagree with any determination referenced in this letter, you may file an appeal by writing to the Director, Office of Information Policy (OIP), U.S. Department of Justice, 1425 New York Ave., NW, Suite 11050, Washington, D.C. 20530-0001, or you may submit an appeal through OIP's eFOIA portal at <http://www.justice.gov/oip/efoia-portal.html>. Your appeal to OIP must be postmarked or transmitted within sixty (60) days from the date of this letter in order to be considered timely. The envelope and the letter should be clearly marked "Freedom of Information Appeal." Please cite the FOIPA Request Number in any correspondence to us for proper identification of your request."

Additionally, all outgoing correspondence must be mailed within forty eight hours of the date on the letter. If analysts are mailing the letter after forty eight hours has expired, a revised letter must be imported into the request.

Once an administrative appeal has been received by OIP, OIP has twenty working days to make a determination and respond to the requester as to the final decision.

OIP will:

- Assign the appeal a number (i.e.)
- Notify the requester the appeal has been received
- Conduct research (in order to make their determination)
- Respond to the requester

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During this process, analysts in RIDS should be aware of the two stages of the appeal process: the Appeal Reference and the Appeal Decision (affirm and remand).

1. Appeal Reference

- Requester submits an appeal to OIP; OIP is in charge of all case decisions from this point forward.

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- Once the appeal letter and corresponding appeal reference letter (noting the receipt of the appeal) have been received by RIDS from OIP, the appeal reference will be opened in FDPS and these letters will be imported into the case

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2. Appeal Decision

Based on the decision made in the appeal reference stage, OIP will determine whether to affirm or remand the appeal.

a. Affirm

- OIP determines the FBI handled the request appropriately.
- No further action required by IP analyst.
- Once decision to affirm the FBI's action has been received by RIDS from OIP, the appeal reference will be closed and the corresponding appeal results letter will be imported into the case

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b. Remand

- OIP determines that the FBI needs to perform additional actions to handle the request appropriately.
- An appeal is opened [REDACTED]
[REDACTED]
- RIDS Appeal Team will email the IP analyst and TC or UC to notify them that an appeal has been opened and a work item has been assigned.
- IP analyst will generate and mail the following:
 - Initial Processing Receipt Letter – Appeals (this letter advises the requester how to check the status of an appeal online)
- IP analyst will handle the request per OIP Remand Memo [REDACTED]
[REDACTED] and send the appropriate response to requester.
- IP analyst will submit appeal for closing, through normal review workflow.

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Revised December 2015

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